

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
AUGUST 5, 2010**

PRESENT:	Dennis Fife	Mayor
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Tyler Vincent	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Blake Fonnesebeck	Public Works Director
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Mike Nelsen	Police Lieutenant
	Tyler Pugsley	Public Works Assistant Director
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police
EXCUSED:	Bruce Christensen	Councilmember

Mayor Fife called the meeting to order. The Reverence Period was given by Jim Williams of the First Baptist Church. The scouts in the audience led the Pledge of Allegiance. A motion to approve the minutes of July 29, 2010 Work Session was made by Councilmember Ericson, seconded by Councilmember Jensen and unanimously carried. The Mayor excused Councilmember Christensen.

PRESENTATIONS

Recognition of Former Councilmember Cliff Green

PUBLIC COMMENT

CONSENT

New Hire, Recreation Department
Request for Approval of Certified Tax Rate
Request for Approval of Change in Authorized Employees to Sign Checks for the City
Appointment to Recreation and Parks Commission
Request to Schedule a Public Hearing for August 19, 2010 to Hear Input on a Proposed Ordinance Amending Title 16, Chapter 16.03, "Offenses Against Public Order and Decency" to Include Section 16.03.310, Free Speech Zones

SCHEDULED DELEGATION

Introduction of Superintendent Ronald Wolff and Update on School District Projects

NEW BUSINESS

Request for Approval of Temporary Zoning Regulation Related to Public Buildings in Residential Zoning Districts
Hervin Bunderson Center Report
Request for Approval of Lease Agreement with the Boys & Girls Club of Brigham City
Presentation on the South Box Elder Youth Court Program
Request for Authorization to Submit a Marketing Match Grant Application to the Economic Development Corporation of Utah

PRESENTATIONS

Recognition of Former Councilmember Cliff Green

Councilmember Marabella said the City Council becomes a family and he had the distinct honor of serving with Cliff during his term of 2000-2004. He read a quote of Cliff's when he was running for Council. *"The main reason for wanting to serve as a City councilmember is that during my years of service with the youth I have counseled them that there are only two types of people; those who DO, and those who UN-do. If one is not doing by helping his/her country or community, they are helping UN-do the good works of those who are serving. In my 25 years living in Brigham City, I have come to realize that more than ever we need people*

defending and upholding the great heritage and values of our City, and at the same time, helping take Brigham City into the future for the generations yet to come. We also owe it to the ones who came before us to preserve what they were willing to define even at the risk of their lives, many paying the ultimate price. I have also realized how much effort is set forth by our great citizens. In plain language, I would like to give back a portion of what I have received from those efforts." This sums up Cliff. Councilmember Marabella stated that Cliff was not a councilmember that had a lot of things to say. He sat back; he was a deep thinker, but when he said something it was obvious he had analyzed it, thought through it and he made up his mind. Once he made up his mind, he made up his mind. It was always a sound decision because he always looked at what was best for the whole community. He was a non-politician. Councilmember Marabella said he appreciated the opportunity to work with Cliff. He was a great part of the community. He was a great man beyond just Brigham City. He valued our country and all that we have. He expressed condolences to Cliff's family.

Former Councilmember Jon Adams stated that Cliff had a lot of integrity. He was the ultimate citizen, if you look at his life and what he gave. He and Cliff were on the Personnel Committee together and had some serious things they had to go through. He had a level headedness about him. They sat together at the table and the Council was discussing the animal ordinance regarding pot belly pigs and defining what household animals would be allowed. There were a lot of citizens in the audience, including ferret owners, etc. and they wanted all these animals allowed as pets. The discussion was getting heated. Cliff could tell Mr. Adams was getting irritated. Cliff leaned over to him and said, "This has to end. You know, I've always kind of wanted an ostrich." He made serious decisions, but he was a pleasure to serve with. Like Councilmember Marabella said, when Cliff made a decision he did not change his mind. Sometimes he would call other councilmembers to get their opinions, but he never tried to influence their vote. He came to the Council meeting prepared. He was genuinely concerned about the citizens.

Mr. Adams continued that Lou Ann Christensen had just become Mayor and they were getting ready to pull names for prizes at the City party. Mr. Adams said to the employees, "Ever since Lou Ann became Mayor she will not allow any of us to tell blonde jokes at the meetings." Cliff said, "That's because she doesn't understand them."

Cliff made serving on the Council a pleasure. After knowing him for 15 minutes, Mr. Adams said he would have trusted him with anything. He is a hero to him. What he gave to this country, he is a hero.

Mayor Fife said he knew Cliff through the scouting program. He came to their scouting group and made several presentations on the Eagle Scout Program. He expressed appreciation for all Cliff did in the scouting program.

PUBLIC COMMENT

Councilmember Jensen said some citizens have suggested putting Public Comment at the end of the agenda so they can comment on what has happened during the meeting. Mayor Fife said the Council can consider that. Generally, there are not many citizens in attendance at the end of the meeting. Councilmember Ericson said one of the reasons it has been at the beginning of the meeting is because some people don't like to stay for the entire meeting. This will be considered.

CONSENT

New Hire, Recreation Department

It was recommended Jason Lauritzen be hired as a Recreation Coordinator, Grade 42, effective August 9, 2010.

Request for Approval of Certified Tax Rate

It was recommended the Certified Tax Rate of 0.001356 be approved for the 2010-11 fiscal year.

Request for Approval of Change in Authorized Employees to Sign Checks for the City

Due to the recent changes in personnel assignments in the Administration Department, it was recommended Colleen Phillips and Marge Porter be authorized to sign checks for the City.

Appointment to Recreation and Parks Commission

It was recommended Brad Holgate be appointed to serve on the Recreation and Parks Commission.

Request to Schedule a Public Hearing for August 19, 2010 to Hear Input on a Proposed Ordinance Amending Title 16, Chapter 16.03, "Offenses Against Public Order and Decency" to Include Section 16.03.310, Free Speech Zones

A public hearing was scheduled for August 19, 2010.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Ericson, seconded by Councilmember Jensen and unanimously carried.

SCHEDULED DELEGATION

Introduction of Superintendent Ronald Wolff and Update on School District Projects

Mr. Wolff came forward and reported that the Box Elder High School construction is coming along well. Some things the School District is considering is a field house at the Middle School and possibly eliminating the gym. Construction costs are very reasonable right now and the District had some money left in their capital fund. A new elementary school in Garland is currently under construction. They are also looking at a new elementary school in Fielding.

Councilmember Ericson stated that many communities have a program where the City uses a facility in the evening and the school uses it during the day, so it is used 18 hours a day. He asked if this is something the School Board would consider. Mr. Wolff said he has not discussed this with the Board yet. His philosophy has always been that they are public facilities and taxpayers are paying for it so the more they can be utilized, and as long as they are getting a long life out of the facilities, this should be done. Joint ventures can be interesting both legally and jurisdiction wise.

Mayor Fife asked how the District is proposing the students cross 200 South to attend Lakeview Elementary. Mr. Wolff said the students on the east side of Main Street and the north side of 200 South will be bussed. There are no plans to bus the students on the west side. There needs to be some discussion on a crossing guard at at least one location on 200 South.

NEW BUSINESS

Request for Approval of Temporary Zoning Regulation Related to Public Buildings in Residential Zoning Districts

Mr. Larsen came forward and explained that in order to proceed with the plans for the Bunderson School, a temporary zoning regulation needs to be approved. This would allow the Boys & Girls Club to occupy the building. The current zoning is R-1-10, which is a single family residential designation. Educational insituations are allowed in residential zones. Even though the Boys & Girls Club has educational elements, it does not meet the exact definition of a school.

MOTION: Councilmember Ericson made a motion to approve the temporary zoning regulation related to public buildings in residential zoning districts. The motion was seconded by Councilmember Marabella and carried unanimously.

Hervin Bunderson Center Report

Mr. Johnson reported that the committee has met several times and assessed the different needs of the organizations moving there and the uses of the building. It is proposed that the Recreation Department occupy the front offices on the south side of the building as well as two offices on the west. The Boys & Girls Club would occupy the north wing. The Gunther Collection will be in the offices east of the Recreation Department. The kitchen and gym will be a common area and will be available for use by the public.

Mayor Fife added that he is meeting with the County Commission on August 31 about making the Gunther Museum a County museum.

Request for Approval of Lease Agreement with the Boys & Girls Club of Brigham City

Councilmember Marabella said he is a big fan of the Boys & Girls Club; however, he expressed concern with having another partner in the building so quickly when it is not known what can be done with the building. For example, there might be more donations toward the museum and then it could be expanded. Then the Boys & Girls Club would have to move and the Lincoln Center would be occupied and they would not have anywhere to go. He recommended waiting to move them in the building until the City has moved in and is established. Councilmember Ericson said the contract with the Boys & Girls Club states that it can be terminated without cause by either party with 90 days notice. He explained that one of the reasons he felt it was important to have the B&G involved is because the utility bills for that size of building will be a lot. If the City is only going to use 1/4 of the building, it doesn't make sense to pay \$30,000 a year for utilities. The B&G would basically pay the utility costs and the building becomes budget neutral for the City.

Mayor Fife said the City is trying to form a museum foundation. There has already been an individual who has said he will donate a large amount of money toward that foundation. This would help get the museum in tact.

Councilmember Ericson said another advantage of having the B&G Club at the facility is that it will bring more foot traffic in and out of the building to get more people to the museum.

Councilmember Jensen asked if the City has money set aside to move the museum. Mayor Fife said there is not money specifically for that, other than what will be saved for rental of the building where the Gunther collection is currently being stored.

MOTION: Councilmember Ericson made a motion to approve the lease agreement with the Boys & Girls Club for the Bunderson Center, seconded by Councilmember Jensen and unanimously carried.

Presentation on the South Box Elder Youth Court Program

Chief Tittensor came forward and introduced Josh Lyman, School Resource Officer, and Miranda Stocks, Youth Court judge.

Chief Tittensor stated that the South Box Elder Youth Court was established in 1999. Brigham City was one of the founding cities. It was set up by statute and the State Code establishes the guidelines for managing the program. It also establishes fees and punishments.

Officer Lyman explained that the Youth Court is a diversion program to take away the caseload for Juvenile Court for minor misdemeanors and infractions and to give first time offenders a second chance to keep their criminal record clean. The Youth Court sees mostly trancies and shoplifting. When an officer charges a youth with an offense, the Police Department sends them forms regarding the Youth Court. When they sign the forms they are admitting guilt. The Police Department will then send them a form telling them when to appear in court. The judges, who are high school age, will ask them about the incident. They will appear with a parent. The student is excused from the court and the judges ask the parent questions. The parents are then excused and the judges will deliberate and come up with a verdict. The student and parent returns to the court and are told what the consequence will be. It is usually community service of some kind. It can also include a letter of apology, or a written report. They cannot exceed more than 40 hours of community service. They are also assigned a fee for the Youth Court.

Ms. Stocks stated that all the youth judges are screened. The youth are only given one chance at Youth Court. If they have another offense they go to Juvenile Court.

Request for Authorization to Submit a Marketing Match Grant Application to the Economic Development Corporation of Utah

Mr. Larsen came forward and explained that he has been working on a county-wide strategic plan. These funds will be used for that. It is anticipated 80% of the funding will be from the Economic Development Administration and 20% from local government agencies. This money from EDCU will count toward that 20% match.

MOTION: Councilmember Marabella made a motion to authorize submittal of a marketing match grant application fo the Economic Development Corporation of Utah. The motion was seconded and unanimously carried.

OTHER BUSINESS

The Mayor scheduled an Executive Session for Tuesday, August 10 at 11:30 a.m. to discuss pending litigation and the purchase, exchange or lease of real property.

A motion to adjourn was made by Councilmember Marabella. The motion was seconded and carried unanimously. The meeting adjourned at 8:21 p.m.